

STATE HUMAN RIGHTS COMMITTEE

Carolyn M. DeVilbiss, Chair  
Alexandria

T.C. Bullock, Vice-Chair  
South Hill

John Barrett  
Richmond

Ann Bevan  
Mechanicsville

Penny Cameron  
Reston

Victoria Cash Graff  
Staunton

Marietta Cottingham  
Hampton

Timothy Russell  
Williamsburg

Ioannis Stivachtis  
Blacksburg



## COMMONWEALTH of VIRGINIA

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Kli Kinzie  
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### STATE HUMAN RIGHTS COMMITTEE MEETING MINUTES

DBHDS Central Office  
1220 Bank Street  
Richmond, Virginia, 23219  
Commissioner's Board Room, 13<sup>th</sup> Floor

**Friday, December 13, 2013**

#### Administrative Session

8:30 a.m.

#### **Members Present**

Carolyn DeVilbiss, **Chair**; T.C. Bullock, **Vice-Chair**; John Barratt;  
Ann Bevan; Vicki Cash-Graff; Marietta Cunningham

#### **Members Excused**

Penny Cameron, Timothy Russell, Ioannis Stivachtis

#### **Staff Present**

Michael Curseen, Regional Human Rights Advocate  
Carrie Flowers, Human Rights Advocate  
Tim Jones, Human Rights Advocate  
Kli Kinzie, Executive Secretary  
Deb Lochart, Human Rights Manager  
Kevin Paluszak, Regional Human Rights Advocate  
Walter Small, Human Rights Advocate  
Karen Taylor, DBHDS Special Counsel  
Margaret Walsh, Human Rights Director

#### **Others Present**

Rebecca Currin, Advocate, Disability Law Center of Virginia  
(dLCV)

#### **Call to Order**

At 8:30 Carolyn DeVilbiss, Chair, called the December 13, 2013,  
Administrative meeting to order.

#### **Approval of Agenda**

*Upon a motion properly made and seconded the SHRC  
unanimously voted to approve the Agenda for the December 13,*

*2013, SHRC meeting.*

<b>2014 Meeting Dates</b>	<i>Upon a motion properly made and seconded the SHRC unanimously approved the proposed meeting dates for 2014.</i>
<b>Correspondence and Information</b>	At 8:36 the SHRC reviewed correspondence and information.
Appeal Responses	The Committee acknowledged receipt of the most recent appeal responses.
Request for Extension to File	At 8:37 the SHRC reviewed a request for extension of time to file appeal from D.B.  <i>Upon a motion properly made and seconded the SHRC unanimously voted to grant D.B.'s request for extension to file.</i>
Sample Letter	At 8:39 Margaret Walsh presented a sample letter used by the Office of Forensic Services for requesting restoration of competency. This item was offered in response to the SHRC's goal of helping to ensure that the judicial system is educated regarding the plea of not guilty by reason of insanity.
LHRC Vacancy Tracking	The SHRC reviewed the LHRC Vacancy Tracking sheet. The Committee reviewed letters regarding vacancies on Norfolk Regional and Newport News Regional LHRCs.  Marietta Cottingham will attend the next meeting of the Newport News Regional LHRC as SHRC Liaison.
Goals Workplan	At 8:51 the SHRC reviewed the Goals Workplan. Margaret Walsh reported that there have not been any changes or additions since the last review. There are two presentations on the agenda in response to the goals of monitoring discharges and recovery oriented care.
Newsletter	At 8:53 Vicki Cash-Graff reported on activities of the SHRC newsletter sub-committee. Ms. Cash-Graff asked that each SHRC member send information for member bios.
<b>BREAK</b>	<i>At 9:00 Carolyn DeVilbiss called for a ten minute break.</i>

**Regular Session**

9:30 a.m.

<b>Members Present</b>	Carolyn DeVilbiss, <b>Chair</b> ; T.C. Bullock, <b>Vice-Chair</b> ; John Barratt; Ann Bevan; Vicki Cash-Graff; Marietta Cunningham
<b>Members Excused</b>	Penny Cameron, Timothy Russell, Ioannis Stivachtis

**Staff Present**

Jim Bell, Forensics Director, Central State Hospital  
Michael Curseen, Regional Human Rights Advocate  
Carrie Flowers, Human Rights Advocate  
Taneika Goldman, Human Rights Advocate  
Rodney Graves, Security Officer, Central State Hospital  
Tim Jones, Human Rights Advocate  
Kli Kinzie, Executive Secretary  
Deb Lochart, Human Rights Manager  
Tammy Long, Human Rights Advocate  
Jim Martinez, Director, Office of Behavioral Health  
Kevin Paluszak, Regional Human Rights Advocate  
Russell Payne, Behavioral Health Community Support Services Specialist  
Lt. J. Robinson, Security Officer, Central State Hospital  
Walter Small, Human Rights Advocate  
Karen Taylor, DBHDS Special Counsel  
Margaret Walsh, Human Rights Director

**Others Present**

Rebecca Currin, Advocate, Disability Law Center of Virginia (dLCV)  
Charlene Hoobler, Director of Clinical Services, James Barry Robinson Center  
Kenneth Shore, Piedmont Geriatric Hospital LHRC Member

**Call to Order**

At 9:10 Carolyn DeVilbiss, Chair, called the December 13, 2013, State Human Rights Committee meeting to order.

**Welcome**

Margaret Walsh, Human Rights Director, welcomed the Committee to Richmond and provided a brief update on central office activities and initiatives.

**Review of Draft Minutes**

At 9:15 the SHRC reviewed the draft minutes of the October 25, 2013 SHRC meeting.

*Upon a motion by Vicki Cash-Graff and seconded by T.C. Bullock the SHRC unanimously approved the October 25, 2013 SHRC minutes as submitted.*

**VCBR**  
VCBR Monthly  
Reports, Training and  
Medical Events

At 9:16 the Committee reviewed VCBR Monthly Reports for October 2013. Margaret Walsh will invite Forensics staff to the January SHRC meeting to provide information regarding VCBR Forensic services. The Committee is particularly interested in the role and responsibilities of the Forensics office and how it relates to VCBR clinical services. Of particular concern are the observation notes and reports that go to court.

**Variances:** Central  
State Hospital

At 9:30 the SHRC considered Variances for Central State Hospital and received a pat-down demonstration. Walter Small, Human

Rights Advocate, reported that the variances requested were granted by the SHRC in October of 2010 for a three-year period. In October of 2013 the SHRC granted a temporary extension until December 2013.

Walter Small introduced Mr. James Bell, Central State Hospital. Mr. Bell provided a summary of the use of the variances and talked about the populations served at CSH and the circumstances under which the variances are utilized.

CSH: Pat-Downs,  
Forensics

At 9:36 Rodney Graves, Security Officer, and Lt. J. Robinson, Security Officer, for Central State Hospital, provided a demonstration of pat-down techniques. Mr. Graves and Lt. Robinson presented examples of contraband to the Committee.

The SHRC reviewed the variance request to 12 VAC 35-115-20, A2, Dignity and 12 VAC 35-115-50, C3 (a), Dignity, Searches and Examinations of Patients and Property.

CSH: Open But Not  
Read Mail

The SHRC reviewed the variance request to 12 VAC 35-115-50, C6, Dignity, and 12 VAC 35-115-50, C6 (a), Dignity. If granted, the variance would allow staff to open and inspect, but not read, mail.

CSH: Have and Spend  
Personal Money

The SHRC reviewed the variance request to 12 VAC 35-115-100, A1 (c ), Restriction on freedom of everyday life. If granted, the variance would restrict CSH residents from having and spending personal money.

CSH: Non-Forensic Pat  
Downs in Secure  
Programs

The SHRC reviewed the variance request to 12 VAC 35-115-20, A2, Dignity, and 12 VAC 35-115-50 C 3(a), Dignity (reasonable privacy). If granted the variance would allow pat down searches in non-forensic secure programs.

*Upon a motion by Vicki Cash-Graff and seconded by T.C. Bullock the SHRC unanimously approved for a three year period the following variances with the requirement that CSH provide annual updates to the SHRC:*

- . 12 VAC 35-115-20, A2, Dignity; and 12 VAC 35-115-50, C3 (a), Dignity, Searches and Examinations of Patients and Property
- . 12 VAC 35-115-50, C6, Dignity, and 12 VAC 35-115-50, C6 (a), Dignity, Open but not read mail
- . 12 VAC 35-115-100, A1 (c ), Restriction on freedom of everyday life, Have and spend personal money
- . 12 VAC 35-115-20, A2, Dignity, and 12 VAC 35-115-50 C 3(a), Dignity (reasonable privacy), Non-Forensic Pat Downs in secure programs

**BREAK**

At 9:49 Carolyn DeVilbiss called for a ten minute break.

**Variance:** James Barry  
Robinson Center:  
Telephone and Visitors

At 9:58 the SHRC reconvened and considered a Variance request from The James Barry Robinson Center. Timothy Jones, Human Rights Advocate, Region 5, introduced, Ms. Charlene Hoobler, Director of Clinical Services of The James Barry Robinson Center.

Ms. Hoobler provided a brief overview of The James Barry Robinson Center and the population of children for whom the variances and policies would impact.

Mr. Jones indicated that The James Barry Robinson Center is requesting variances to the following sections of the *Rules and Regulations to Assure the Rights of Individuals Reviving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services (Human Rights Regulations)*:

- . 12VAC35-115-50.C7, Dignity, Telephone
- . 12VAC35-115-50.C8, Dignity, Visitors

Mr. Jones reported that Southside Regional Local Human Rights Committee recommends approval of the variances.

*Upon a motion by Ann Bevan and seconded by Vicki Cash-Graff the SHRC unanimously approved the variance to 12VAC35-115-50, C7&C8, for the period of a year and ten (10) months, with an annual update to the State Human Rights Committee. The program may implement its policies, which includes restrictions on the use of the phone and visitation.*

*The SHRC also voted to accept the LHRC recommendations that any violations of the approved variances are to be reported to the Office of Human Rights within 24 hours, and that the program is to provide the Southside LHRC with an update at each quarterly meeting.*

## **LHRC Liaison Reporting**

Marietta Cottingham reported that she attended a Hampton Regional LHRC meeting. The LHRC was in the process of filling two vacancies on the committee. Ms. Cottingham was impressed with the way Hillary Zaneveld, Human Rights Advocate, facilitated the meeting. Ms. Zaneveld reportedly distributed informative flyers to the LHRC members and answered questions clearly and professionally.

Marietta Cottingham reported that she attended a meeting of the Bay Regional LHRC. All LHRC members were present for the meeting, which was facilitated by Stewart Prost, Human Rights Advocate. Ms. Cottingham noted that during the meeting Mr. Prost discussed a problem with the CHRIS reporting system and emphasized that, even when there is technical difficulty with the CHRIS system, programs

are required to adhere to reporting requirements within the specified timeframes. Ms. Cottingham reported that Mr. Prost was very professional and that the meeting had good flow.

**CHRIS Update**

At 10:10 Margaret Walsh provided an update on trouble with the CHRIS system web browser. The application should be corrected and ready for use after the winter holidays.

**LHRC Liaison  
Reporting (continued)**

At 10:12 Ann Bevan reported that she attended a meeting of the Chesterfield LHRC. Walter Small, Human Rights Advocate, did a great job of facilitating the meeting. Most LHRC members were present and the meeting was lead by the Vice-Chair, Linwood Alford. The meeting ran very efficiently and quickly. Program representatives at the meeting provided written and verbal presentations. LHRC members paid close attention to discrepancies in reporting, and all were alert and well prepared for the meeting.

Ann Bevan reported on attending a meeting of the Hanover LHRC. Taneika Goldman, Human Rights Advocate, was present and effectively facilitated the meeting. During the meeting Ms. Goldman informed the LHRC of department activities. There were 17 providers present to submit reports, which were accepted broadly. The Chair was very knowledgeable and supportive, and all members participated meaningfully.

**Role of SHRC Liaisons**

At 10:22 Margaret Walsh and Karen Taylor discussed the role of SHRC members when attending LHRC meetings as liaisons. Margaret Walsh will develop a document for SHRC members to reference.

**Public Comment**

At 10:30 Carolyn DeVilbiss called for public comments. Mr. Kenneth Shore, new member of Piedmont Geriatric Hospital LHRC, introduced himself and thanked the SHRC for the opportunity to serve.

At 10:31 Ms. Rebecca Currin reported that the Virginia Office for Protection and Advocacy (VOPA) has been re-designated from an independent agency to a private, not for profit organization. Effective October 1, the disAbility Law Center of Virginia (dLCV) will take over the duties of the protection and advocacy system provided by VOPA. The new organization has recently posted on their web site some things that may be of interest to the SHRC and the office of human rights. Further information can be found at [www.dLCV.org](http://www.dLCV.org).

**Patient Funds**

At 10:39 Margaret Walsh reported that the patient funds Departmental Instruction 206(RTS) 93 is now in place. Ms. Walsh stated that while on the SHRC Joe Lynch, former SHRC member,

spearheaded getting the SHRCs concerns to DBHDS agency heads and facility staff regarding inconsistencies in the management of patient funds.

**Human Rights Regulations**

At 10:45 Margaret Walsh updated the committee on the status of the revision of the Human Rights Regulations (*Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services (12 VAC 35-115 et.seq.)*).

**Presentation:** Ready for Discharge

At 10:55 Russell Payne provided an update on barriers to discharge for individuals clinically ready for discharge but waiting on barriers such as court dates and available community placements.

**Presentation:** Recovery Oriented Care

At 11:32 Jim Martinez, Director of Behavioral Health Services reported on recovery oriented care.

**BREAK**

At 12:16 Carolyn DeVilbiss called for a break for lunch.

**LHRC Membership**

At 12:40 the meeting reconvened and the SHRC considered local human rights committee membership.

*Upon a motion by T.C. Bullock and seconded by Ann Bevan the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to and removals from Local Human Rights Committees.*

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

**Appointments**

*Upon a motion by Vicki Cash-Graff and seconded by John Barratt the SHRC unanimously moved to make the following local human rights committee appointments, reappointments and removals as well as to acknowledge an individual's name change.*

**Region 1**

Loudoun County CSB LHRC  
Appoint: Mr. Bennett Downey

**Region 3**

Catawba LHRC  
Reappoint: Ms. Valerie Robinson  
Southwest LHRC  
Appoint: Ms. Tabitha Sherrice Mullins and Mr. John "Bobby" Mullins III

## Region 4

Commonwealth LHRC

Appoint: Mrs. Debbie Mehl and Mrs. Veronica Anderson  
Metro Richmond LHRC  
Appoint: Ms. Pamela Hawkes

## Region 5

Bay Regional LHRC

Remove: Ms. Taylor Bervine  
Ocean View Regional LHRC  
Appoint: Ms. Carolyn Barnes and Ms. Jacqueline E. Delk  
Virginia Beach Area LHRC  
Appoint: Mr. Marquis A. Norton

## Region 6

Central Virginia Community Services LHRC

Appoint: Dr. Baraj Bawa  
Name Change from Morris Jefferson to Rashid Ali

## Other Business

## SHRC Membership

At 12:48 the committee discussed SHRC Membership for the upcoming term.


Officers sub-committee and Membership sub-committee will be appointed during the January meeting.


### Adjournment

*Upon a motion by T.C. Bullock the December 13, 2013, SHRC meeting adjourned at 12:52 p.m.*

The next meeting is scheduled for Friday, January 24, 2014, at Southern Virginia Regional Medical Center in Emporia, Virginia.

Respectfully Submitted,

  
Carolyn M. DeVilbiss, Chair

  
Kli Kinzie, Secretary